

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

NICK COWSER and LAURA POTTS-COWSER,

Plaintiffs,

v.

FRESZNO LUNDY and LUNDY TRUCKING,
LLC,

Defendants.

Case No. 19-996 JPG/RJD

MEMORANDUM AND ORDER

In light of Seventh Circuit Court of Appeals admonitions, *see Foster v. Hill*, 497 F.3d 695, 696-97 (7th Cir. 2007), the Court has undertaken a rigorous initial review of pleadings to ensure that jurisdiction has been properly pled. *See Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010) (noting courts’ “independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it”). The Court has noted the following defects in the jurisdictional allegations of the Notice of Removal (Doc. 1) filed by defendants Freszno Lundy and Lundy Trucking, LLC:

Failure to allege the citizenship of each member of an unincorporated association. To determine if complete diversity exists, the Court must examine the citizenship of each member of a limited liability company. *See Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990); *Belleville Catering Co. v. Champaign Market Place, LLC*, 350 F.3d 691, 692 (7th Cir. 2003) (partnerships and limited liability companies are citizens of every state of which any member is a citizen); *Indiana Gas Co. v. Home Ins. Co.*, 141 F.3d 314, 316 (7th Cir. 1998). The relevant pleading must affirmatively allege the specific states of citizenship of each member of the limited liability company.

Defendants state Lundy Trucking, LLC is a limited liability company and its principal place of business is in the State of Georgia, but this is not enough. Defendants must allege each member of the LLC and their citizenship.

The Court hereby **ORDERS** Defendants shall have up to and including September 25, 2019 to amend the faulty pleading to correct the jurisdictional defects. *See* 28 U.S.C. § 1653. Failure to cure the noted defects will result in remand of this case for lack of subject matter jurisdiction. Amendment of the faulty pleading to reflect an adequate basis for subject matter jurisdiction will satisfy this order. Plaintiffs are directed to consult Local Rule 15.1 regarding amended pleadings and need not seek leave of Court to file such amended pleading.

IT IS SO ORDERED.

DATED: September 16, 2019

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE